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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/815,150

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Stephen R. Lawrence

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11/15/2006

GOOGLE / FENWICK  
SILICON VALLEY CENTER  
801 CALIFORNIA ST.  
MOUNTAIN VIEW, CA 94041

EXAMINER

AHLUWALIA, NAVNEET K

ART UNIT

PAPER NUMBER

2166

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/815,150	<b>Applicant(s)</b> LAWRENCE, STEPHEN R.	
	<b>Examiner</b> Navneet K. Ahluwalia	<b>Art Unit</b> 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is FINAL.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/14/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The application has been examined. Claims 1 – 24 are pending in this office action.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14 – 24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 14 – 24 are is rejected because the language of claims in view of the definition of the computer readable medium from the detailed description of the embodiments (Page 6 paragraph 0012) recites computer readable media including and not limited to electronic, optical, magnetic or other storage or transmission device which are not considered as tangible and do not form the basis of statutory subject matter under 35 U.S.C. 101.

3. To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (non-statutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four categories of invention.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 – 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Jena

J. Jordahl ('Jordahl' herein after) (US 2004/0036716 A1).

With respect to claim 1,

Jordahl discloses a method comprising:

- identifying a boilerplate element in an article comprising a plurality of elements, the plurality of elements comprising the boilerplate element and a content element (paragraphs 0096 and 0133, Jordahl); and
- generating an implicit search query comprising a search term, the search term comprising a term present in the content element (figure 8 and paragraphs 0047 – 0048, Jordahl).

With respect to claim 2,

Jordahl discloses the method of claim 1, wherein identifying the boilerplate element comprises identifying a common element in a plurality of related articles (paragraph 0133, Jordahl).

With respect to claim 3,

Jordahl discloses the method of claim 1, wherein the common element comprises a copyright notice (paragraphs 0059 and 0073, Jordahl).

With respect to claim 4,

Jordahl discloses the method of claim 1, wherein the common element comprises a term having a low inverse document frequency measure (paragraph 0147, Jordahl).

With respect to claim 5,

Jordahl discloses the method of claim 1, wherein identifying the boilerplate element comprises comparing at least one of the plurality of elements to a predetermined list (paragraphs 0055 and 0059, Jordahl).

With respect to claim 6,

Jordahl discloses the method of claim 1, wherein identifying the boilerplate element comprises analyzing the spatial location at least one of the plurality of elements (figure 12, Jordahl).

With respect to claim 7,

Jordahl discloses the method of claim 1, wherein identifying the boilerplate element comprises analyzing a navigational element of the article (figures 10 and 12, Jordahl).

With respect to claim 8,

Jordahl discloses the method of claim 1, wherein identifying the boilerplate element comprises analyzing a link element of the article (paragraphs 0059 and 0099, Jordahl).

With respect to claim 9,

Jordahl discloses the method of claim 8, wherein analyzing the link element of the article comprises analyzing an address to which the link element refers (paragraphs 0052 and 0059, Jordahl).

With respect to claim 10,

Jordahl discloses the method of claim 1, wherein identifying the boilerplate element comprises analyzing a markup language element proximate to at least one of the plurality of elements (paragraphs 0056 and 0057, Jordahl).

With respect to claim 11,

Jordahl discloses a method comprising:

- identifying a boilerplate element in an article comprising a plurality of elements the plurality of elements comprising the boilerplate element and a content element (paragraphs 0096 and 0133, Jordahl);

- removing the boilerplate element from the article; and indexing the article (paragraphs 0077, Jordahl).

With respect to claim 12,

Jordahl discloses a method comprising: identifying a boilerplate element in an article comprising a plurality of elements, the plurality of elements comprising the boilerplate element and a content element (paragraphs 0096 and 0133, Jordahl); and determining a weight for each of the plurality of elements based at least in part on whether the element is a boilerplate element (paragraph 0130, Jordahl).

With respect to claim 13,

Jordahl discloses the method of claim 12, further comprising:

- receiving a search query (figure 8 and paragraphs 0047 – 0048, Jordahl);
- determining articles relevant to the search query (paragraph 0059, Jordahl); and
- ranking the articles based at least in part on the determined weights (paragraphs 0088 and 0113, Jordahl).

With respect to claim 14,

Jordahl discloses a computer-readable medium on which is encoded program code, the program code comprising:

- program code for identifying a boilerplate element in an article comprising a plurality of elements, the plurality of elements comprising the boilerplate element and a content element (paragraphs 0096 and 0133, Jordahl); and
- program code for generating an implicit search query comprising a search term, the search term comprising a term present in the content element (figure 8 and paragraphs 0047 – 0048, Jordahl).

With respect to claim 15,

Jordahl discloses the computer-readable medium of claim 14, wherein program code for identifying the boilerplate element comprises program code for identifying a common element in a plurality of related articles (paragraph 0133, Jordahl).

With respect to claim 16,

Jordahl discloses the computer-readable medium of claim 14, wherein identifying the boilerplate element comprises comparing at least one of the plurality of elements to a predetermined list (paragraphs 0055 and 0059, Jordahl).

With respect to claim 17,

Jordahl discloses the computer-readable medium of claim 14, wherein identifying the boilerplate element comprises analyzing the spatial location at least one of the plurality of elements (figure 12, Jordahl).



With respect to claim 18,

Jordahl discloses the computer-readable medium of claim 14, wherein identifying the boilerplate element comprises analyzing a navigational element of the article (figures 10 and 12, Jordahl).

With respect to claim 19,

Jordahl discloses the computer-readable medium of claim 14, wherein identifying the boilerplate element comprises analyzing a link element of the article (paragraphs 0059 and 0099, Jordahl).

With respect to claim 20,

Jordahl discloses the computer-readable medium of claim 16, wherein analyzing the link element of the article comprises analyzing an address to which the link element refers (paragraphs 0052 and 0059, Jordahl).

With respect to claim 21,

Jordahl discloses the computer-readable medium of claim 14, wherein identifying the boilerplate element comprises analyzing a markup language element proximate to at least one of the plurality of elements (paragraphs 0056 and 0057, Jordahl).

With respect to claim 22,

Jordahl discloses a computer-readable medium on which is encoded program code, the program code comprising: program code for identifying a boilerplate element in an article comprising a plurality of elements, the plurality of elements comprising the boilerplate element and a content element (paragraphs 0096 and 0133, Jordahl); program code for removing the boilerplate element from the article; and program code for indexing the article (paragraphs 0077, Jordahl).

With respect to claim 23,

Jordahl discloses a computer-readable medium on which is encoded program code, the program code comprising: program code for identifying a boilerplate element in an article comprising a plurality of elements, the plurality of elements comprising the boilerplate element and a content element (paragraphs 0096 and 0133, Jordahl); and program code for determining a weight for each of the plurality of elements based at least in part on whether the element is a boilerplate element (paragraph 0130, Jordahl).

With respect to claim 24,

Jordahl discloses the computer-readable medium of claim 23, further comprising:

- program code for receiving a search query (figure 8 and paragraphs 0047 – 0048, Jordahl);
- program code for determining articles relevant to the search query (paragraph 0059, Jordahl); and

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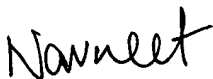
- program code for ranking the articles based as least in part on the determined weights (paragraphs 0088 and 0113, Jordahl).

**Contact Information**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet K. Ahluwalia whose telephone number is 571-272-5636. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam T. Hosain can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Navneet K. Ahluwalia  
Examiner  
Art Unit 2166

Dated: 11/10/2006

  
**MOHAMMAD ALI**  
**PRIMARY EXAMINER**